



**Washington State
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August 4, 2006

To All LAG Manual Holders and All Local Agencies

**TA/LA 2006-2
Chapter 62 Supplement
Enhancement Projects
Interim LAG Change**

We have modified the Local Agency requirements for administering Enhancement, Scenic Byways, and Safe Routes to School Program projects. Highways & Local Programs is now allowing non-Certification Acceptance public agencies to administer these types of projects following the enclosed revised rules.

Therefore, effective immediately, the enclosed document is approved for use on Enhancement type projects and replaces Chapter 62 for existing and future projects.

This revision to the LAG manual will be in effect until the revisions are reflected in the October 2006 LAG update.

If you have any questions regarding this direction, please contact David Mounts at (360) 705-7379.

Sincerely,

Kathleen B. Davis
Director
Highways & Local Programs Division

KBD:dlm:ac
Enclosure

cc: Region Local Programs Engineers

Federal Administration Requirements for Enhancement, Scenic Byways, and Safe Routes to School Program

Projects that will not require the acquisition of property or construction

Projects that will not require the acquisition of property or construction (such as bicycle maps, educational or enforcement only projects, archaeological planning and research projects, or development of a corridor management plan for a scenic byway) shall at the completion of the project provide a Certification Statement that the work has been completed in accordance with the approved project prospectus.

Projects within the Interstate right-of-way:

Projects within the Interstate right of way shall be designed and constructed in accordance with the Washington State Department of Transportation (WSDOT) guidelines and standards. WSDOT or a Certified Acceptance (CA) agency with oversight by the WSDOT must administer the project. For additional information see Local Agency Guidelines (LAG) section 52.94.

Other projects that include design, acquisition of property, or construction

All non-profit agencies must obtain a public agency sponsor for the project. The public agency sponsor will oversee the administration of the design, acquisition of property, and construction phases and provide the Certification Statement at the completion of the project.

Consultants

If the agency requires the consultant services of architects, landscape architects, land surveyors, or engineers then LAG Chapter 31 needs to be followed. (Public agencies shall follow the rules outlined for a CA Agency in LAG Chapter 31). If there are any questions, contact your Region Local Programs Engineer for assistance.

Design Standards

The design standards for roadway and pedestrian projects shall be at a minimum the City and County Design Standards. (These can be found in LAG Chapter 42.) The design standards for bicycle or shared use facilities shall be the WSDOT Design Manual Chapter 10. The design documents are to be signed and stamped by a Professional Engineer Licensed in the State of Washington. All other projects shall be designed and approved in accordance with state law, and if applicable, in accordance with US Department of Interior Standards for Archeology and Historic Preservation, Volume 90 #140:44716 .

Environmental

NEPA environmental documentation is required on all projects. Upon request to the Region Local Programs Engineer, WSDOT's Highways and Local Programs' environmental staff will review your project and complete the Environmental Classification Summary (ECS). Most projects will typically fall under the categorical exclusion (CE) classification and the ECS alone may be sufficient for the NEPA documentation. However, if additional NEPA documentation is required to support the CE determination, such as a biological assessment; cultural resources survey; hazardous waste, air, noise, stormwater, or environmental justice discipline reports, it is the responsibility of the local agency to prepare that documentation. Any additional documentation shall be prepared and submitted in accordance with LAG Chapter 24.

For those projects that require higher level NEPA documentation - Environmental Impact Statement (EIS) or Environmental Assessment (EA) - it is the responsibility of the local agency to prepare the NEPA document. Development of the EIS or EA shall be in accordance with the process outlined in LAG Chapter 24.

The local agency is responsible for ensuring compliance with SEPA and obtaining all applicable local, state, and federal permits.

Acquisition of Property

If the project requires additional right of way (the acquisition of land, buildings, or easements), the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 apply. If your agency is not a Certified Acceptance (CA) agency with approved Acquisition Procedures, contact your Region Local Programs Engineer for consultation and assistance prior to beginning any right of way processes.

Construction/Contract Documents

There are two options for a public agency to use in the construction of a project. A public agency may advertise for bids or use in-house forces with an approved "Public Interest Findings" document.

The "Public Interest Findings" document shall contain justification that includes cost estimates that clearly shows that it is more cost effective to do the work by agency in-house forces versus competitive bidding. The public agency shall submit the "Public Interest Findings" with their agreement requesting construction funding to the Region Local Programs Engineer.

The contract documents for bids are required to incorporate federal requirements such as competitive bidding, DBE/EEO, and Buy American provision, see page three for the list of federal specifications. Projects within the highway, city street or county road right of way may require the

inclusion of Davis Bacon prevailing wage rate. Please contact your Region Local Programs Engineer to determine if Davis Bacon prevailing wage rates applies. Contract documents shall be signed and stamped in accordance with state law.

Sole sourcing or use of trade names in specifications and on plans are discouraged and if used, is subject to the approval of the Region Local Programs Engineer.

Advertising, award, and execution

The contract advertisement period is a minimum of three weeks. The agency will award and execute the contract to the lowest responsive bidder, unless the agency decides that all bids are to be rejected.

Certification Statement

After the completion of the contract and acceptance by the agency, a Certification Statement shall be provided to Region Local Programs Engineer. The Certification Statement must state that the work has been completed in accordance with the approved project prospectus and provide a Building Permit that has been signed off of by the building inspector or must state that the work has been completed in accordance with the approved project prospectus, and applicable federal, state and local codes, public works contracting requirements and laws.

WSDOT's Final Inspection

After the contract work is completed, the Region Local Programs Engineer will conduct a final inspection of the project.

FEDERAL SPECIFICATIONS

Washington State Department of Transportation's *Standard Specifications for Road, Bridge, and Municipal Construction*

- 1-04.4 Changes
- 1-04.7 Differing Site Conditions (Changed Conditions)
- 1-07.11 Requirements for Nondiscrimination
- 1-08.1(1) Subcontractor Completion and Return of Retainage Withheld
- 1-08.9 Liquidated Damages

Washington State Department of Transportation's General Special Provisions

- GSP 0651.GR1 Buy America
- GSP 07112.GR1 EEO
- GSP 07112B.GR1 DBE Zero Goal (Race Neutral)
- GSP 0712.GR1 Federal Agency Inspection
- FHWA 1273
- Davis Bacon Federal Wage Rates , if applicable.